IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS SAN ANGELO DIVISION

UNITED STATES OF AMERICA)
)
V.)
)
JOE GARY RIVAS, JR.) CRIMINAL NO. 6:02-CR-042-C-01

ORDER TO SUBMIT MOTION ON PROPER FORM

BEFORE THE COURT is Defendant's Motion for Reduction of Sentence Pursuant to Section 404 of the First Step Act.

After due consideration, the Court is of the opinion that in order for Defendant to proceed on this claim, he must file his Motion on the proper form. The appropriate form for filing a Motion pursuant to Section 404 of the First Step Act¹ will be mailed to Defendant by the Clerk of Court. Upon receipt of Defendant's Motion on the proper form, the Clerk shall attach Defendant's instant paperwork to his Motion as a Memorandum in Support. Defendant is warned that this Court will not proceed on the instant Motion unless he submits the proper paperwork. To the extent Defendant wishes to file a claim under a section of the First Step Act other than § 404, he must file a Motion that more specifically details his claims and the reasons for which he believes he is entitled to relief.

Defendant is further advised that he must file his Motion on the appropriate form on or before **December 15, 2020**. Additionally, if Defendant simply writes in "see Memorandum in

¹ Pub. L. No. 115-391, 132 Stat. 5194 (codified in scattered sections of 18, 21, and 34 U.S.C.).

² Defendant is also advised that any delay caused by the prison mailing system will not be added to this deadline.

Support" instead of filling in the paperwork correctly, his Motion will be dismissed for want of prosecution.

Accordingly, **IT IS ORDERED** that Defendant must file his claim on the proper paperwork in order to proceed. Further, Defendant is **ADVISED** that failure to comply with the deadline imposed by this Order will result in the denial and dismissal of the Motion.

Defendant's current Motion under Section 404 of the First Step Act is **DENIED AS MOOT** without prejudice subject to be refiled on the correct form issued by the Clerk of Court. *See* Doc. 1060.

SO ORDERED this _______ day of November, 2020.

SAM'R. CUMMINGS

SENIOR UNITED STATES DISTRICT JUDGE